

ASSEMBLY BILL

No. 720

Introduced by Assembly Member Skinner

February 21, 2013

An act to add Section 4011.11 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as introduced, Skinner. Inmates: health care enrollment.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law prohibits persons who are involuntarily incarcerated in jail from obtaining these services, but permits persons detained in jail, but not sentenced to jail, to be eligible for services, as specified.

This bill would require the county sheriff, or his or her designee, to assist all individuals sentenced to county jail who are otherwise eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or she is scheduled to be released. The bill would authorize the county sheriff, or his or her designee, to assist all individuals who are not sentenced to county jail but are detained in county jail, and who are eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or she is scheduled to be released. The bill would provide that individuals who are currently enrolled in the Medi-Cal program in the county where they reside would retain enrollment in that program while temporarily detained before any criminal conviction. The bill would require the county sheriff, or his or her designee, to supply appropriate information

regarding the Health Care Exchange to those individuals detained in a county jail who are not eligible for federal Medi-Cal benefits and who do not have health care insurance, 30 days before their scheduled release. The bill would state findings and declarations of the Legislature regarding the above.

By imposing additional duties on local law enforcement entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4011.11 is added to the Penal Code, to
2 read:
3 4011.11. (a) The Legislature finds and declares the following:
4 (1) The Patient Protection and Affordable Care Act of 2010,
5 also known as Health Care Reform, is designed to ensure every
6 American has access to affordable quality health care. To help
7 ensure access, the federal low-income health insurance program,
8 the Medi-Cal program in California, was expanded to previously
9 uncovered populations, including single men making less than 133
10 percent of the federal poverty line.
11 (2) The Medi-Cal expansion is fully paid by the federal
12 government until 2017, when the federal government will cover
13 90 percent of the Medi-Cal expansion.
14 (3) According to research done by the National Health Law
15 Program, a large portion of individuals currently sentenced to
16 county jail, and those recently released, are now eligible for
17 Medi-Cal once released.
18 (4) According to a study published in the American Journal of
19 Public Health, many people coming out of county jail have
20 significant medical, mental health, and substance abuse needs that
21 are currently unmet.

1 (5) According to a study funded by the National Criminal Justice
2 Reference Service, individuals who are enrolled in Medicaid on
3 the day of release committed fewer repeat offenses, and the time
4 between offenses was longer.

5 (6) Therefore, it is the intent of the Legislature to enroll
6 individuals in the federally funded Medi-Cal program to provide
7 medical, mental health, and substance abuse services to individuals
8 when released from county jail, at no cost to the State of California
9 until 2017 and at minimal state cost beginning in 2017.

10 (b) The county sheriff, or his or her designee, shall assist all
11 individuals sentenced to county jail who are otherwise eligible for
12 federal Medicaid benefits to enroll in the Medi-Cal program
13 available in that county 30 days before he or she is scheduled to
14 be released.

15 (c) The county sheriff, or his or her designee, may assist all
16 individuals who are not sentenced to county jail but are detained
17 in county jail and who are eligible for federal Medicaid benefits
18 to enroll in the Medi-Cal program available in that county 30 days
19 before he or she is scheduled to be released.

20 (d) Consistent with federal regulations, individuals who are
21 currently enrolled in the Medi-Cal program in the county where
22 they reside shall retain enrollment in that program while
23 temporarily detained before any criminal conviction.

24 (e) The county sheriff, or his or her designee, shall supply
25 appropriate information regarding the Health Care Exchange to
26 those individuals detained in a county jail who are not eligible for
27 federal Medi-Cal benefits and who do not have health care
28 insurance, 30 days before their scheduled release.

29 SEC. 2. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.